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January 25, 2005

Mr. Deepak Joshi
Lead Aerospace Engineer
National Transportation Safety Board, Room 5235
490 L'Enfant Plaza, S.W.
Washington, DC 20594

Re: *National Transportation Safety Board Notice of Proposed Rulemaking, 69 Fed. Reg. 77150-77152 (December 27, 2004): Request for Extension of Comment Period*

Dear Mr. Joshi:

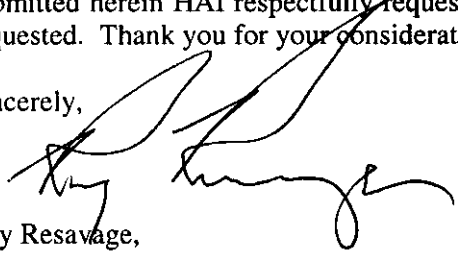
On December 27, 2004, National Transportation Safety Board (NTSB) published in the *Federal Register* a Notice of Proposed Rulemaking (NPRM) and requested public comment on a proposal to amend the standards for the notification and reporting of aircraft accidents or incidents and overdue aircraft, and preservation of aircraft wreckage, mail, cargo, and records. *69 Fed. Reg. 77150-77152*. The comment period associated with this proposed draft policy is scheduled to close on February 25, 2005. The Helicopter Association International (HAI) respectfully requests that the NTSB extend the comment period for response to the NPRM to March 30, 2005.

HAI is the professional trade association for the civil helicopter industry. Our 1,500 plus member organizations and 1,400 plus individual members safely operate more than 4,500 helicopters approximately 2 million hours each year. HAI is dedicated to the promotion of the helicopter as a safe, effective method of commerce and to the advancement of the civil helicopter industry.

This request for extension to the comment period is being submitted because HAI, through its various committees, is interested in submitting comments on the NPRM. It is highly unlikely that a coordinated response can be formalized within the time frame allowed. Currently the HAI committees are scheduled to meet on February 7th and 8th, 2005 during the HELI-EXPO annual convention. This NPRM will be on the on the agendas of several of HAI's committees.

HAI believes allowing these committees to meet and discuss the NPRM at HELI-EXPO will allow for more constructive and coordinated comments to be submitted to the NTSB that will enhance the value of the final version of the rule. An extension to the comment period would allow for the input from these meetings to be incorporated into a concise comment from HAI. Therefore, based on the reasons submitted herein HAI respectfully requests the NTSB extend the comment period to March 30, 2005 as requested. Thank you for your consideration.

Sincerely,


Roy Resavage,
President



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March 10, 2005

Mr. Deepak Joshi
Lead Aerospace Engineer (Structures)
National Transportation safety Board
Room 5235
490 L'Enfant Plaza, S.W.
Washington, DC 20594

RE: HAI Comments on NTSB's Notice of Proposed Rulemaking 427
Proposed Rules 49 CFR Part 830, Notification and Reporting of Aircraft
Accidents or Incidents and Overdue Aircraft and Preservation of Aircraft
Wreckage, Mail, Cargo and Records.

Dear Mr. Joshi:

The Helicopter Association International (HAI), a not-for-profit, professional trade association is dedicated to promoting the helicopter as a safe and efficient method of commerce and to the advancement of the civil helicopter industry. Member companies include operators of civil helicopters, manufacturers, and associate industry supporters, most of whom are small businessmen and women. HAI's 1,300-plus-member organizations and 1,100-plus individual members safely operate more than 4,500 helicopters flying approximately 2.3 million hours each year.

HAI does appreciate the ongoing efforts of NTSB to enhance aviation safety and also appreciates being given the opportunity to share its thoughts and concerns on the proposed changes in 49 CFR Part 830 published in the Federal Register on December 27, 2004.

However, we have considerable concern about this proposal and more specifically, we strenuously oppose the portion of the proposal which would amend Section 830.2 by removing reference to ground damage to helicopter rotor blades from the list of exclusions to the definition of "substantial damage."

Notably, this NPRM does two things. It dramatically changes the definition of what constitutes a reportable accident for helicopters involved in rotor ground strike incidents, a very significant change that could impose considerable penalties on the helicopter industry. It also establishes new mandatory reporting requirements for three other types of aircraft incidents that, while significant in terms of additional reporting, would not impose major new costs on the industry.

In justifying the proposed reporting requirements on 1) failure of any internal turbine engine component that result in the escape of debris other than out the exhaust path, 2) structural failure of a propeller resulting in the release of all or a portion of a propeller blade from an aircraft, excluding release caused solely by ground contact, and 3) loss of information from a majority of an aircraft's certified electronic primary displays, the NPRM goes to great lengths to list examples and reasons these incidents warrant immediate notification.

By contrast, in justifying what must be considered a more drastic proposal to reclassify ground strikes to main or tail rotors as "accidents", the NPRM resorts to "justification by simple analogy", equating helicopter main rotor blades with the wings of an airplane and the tail rotors of a helicopter with the rudder control surface of an airplane. No examples are provided. No safety benefits of the change are presented.

It is true that helicopter main rotor blades do provide lift and directional control of the aircraft but this simplistic analogy totally ignores the basic fact that **helicopters are not airplanes. Rotor blades are not airplane wings.**

Unlike airplanes, helicopters typically operate extensively near the ground and in low level where ground strikes are, by definition, more likely and admittedly too frequent. However, the vast majority of these incidents do not result in personal injury, death, or significant damage to the airframe of the aircraft.

Unlike wings of an airplane, which are integral parts of the airframe and rarely removed from the aircraft, helicopter rotor blades are frequently and regularly removed for a variety of reasons. It is a major maintenance operation to remove or replace an airplane wing. Rotor blades can safely be removed and replaced on a helicopter in a matter of hours without any compromise in the aircraft's ability to operate safely.

It is extremely difficult to comprehend how these "incidents" can logically be categorized as "accidents" or what, if any, major safety benefits could be realized by this action.

Existing Regulations and Industry Practices Provide Significant Safety Standards.

Subsequent to any rotor blade striking an object, manufacturers already have specific and distinct "Inspection Criteria and Maintenance Instructions/Procedures" that must be followed. If a rotor blade passes these stringent inspections or can be removed and repaired per maintenance manual instructions, it may be reinstalled and the aircraft can be returned to service in a short time frame. Damage to rotor blades, in of itself, does not necessarily cause the airframe and its components to be un-airworthy. If rotor blade damage extends into the drive train, the damage already falls within the "substantial damage" definition under existing regulations and would be reported as an accident.



By definition, most rotor blade ground strikes occur in low level, close to the ground, low-air-speed conditions and the vast majority of rotor blade ground strikes do not result in fatalities, personal injury, or significant damage to the airframe. Automatically classifying these incidents as “accidents” stretches credibility to the limit.

The Proposed Change Would Have a Significant Negative Economic Impact On the Industry.

Although it is recognized that the focus of the NTSB is safety and that the agency does not typically concern itself with the economic well being or survival of its constituent industries, it must be recognized that this proposed change would have significant negative economic consequences and could adversely affect the public perception of the helicopter industry. Those negative economic pressures could, in the long run, create an atmosphere, which is counterproductive to the safety mission of the Agency.

The arbitrary reclassification of rotor strikes as “accidents” would significantly inflate the number of “accidents” reported in the helicopter community. This increase in the number of reportable “accidents” would have significant economic impact on helicopter operators, pilots, manufacturers and the industry overall.

Reportable “accidents” become a permanent part of a helicopter’s record, affecting resale values. Reportable “accidents” become a permanent part of helicopter pilot’s record, affecting his future employment opportunities or potential. Reportable “accidents” become a permanent part of the public record of a helicopter company, affecting the public perception of that company in a highly competitive market. Reportable accidents also become a part of the public record of the helicopter industry as a whole and could directly affect the public perception of the safety of helicopter operations.

Reclassifying ground strikes as “accidents” would also trigger the requirement that helicopters involved in a rotor ground strike incident be secured on site and removed from service until the NTSB investigators investigate or release the helicopter for return to service. Considering the limited resources of the NTSB and the fact that the agency does not currently have sufficient inspectors or resources to investigate a majority of all legitimate accidents, not even all fatal accidents, it would appear highly unlikely that the agency could devote the manpower or resources to investigate rotor ground strikes that result in no significant damage or personal injury.

Requiring operators to secure an aircraft involved in a rotor strike incident would thus impose a significant financial cost on operators through extended loss of service and lost revenue potential with no corresponding and offsetting increase in accident investigations or safety benefits. Under existing regulations and industry standards, a helicopter involved in a ground strike incident with no damage to the basic airframe can safely be returned to service in a matter of minutes or hours without compromising safety of operations.



If there is a perception that these significant costs are being imposed on the industry with no corresponding offsetting safety benefits, this proposed regulatory change could in fact result in reduced incident reporting compliance which would be counterproductive to the mission of the agency.

Negative Impact on the Credibility of NTSB Statistics.

Artificially and arbitrarily inflating the accident statistics by changing the definition of accident to include rotor ground strikes would degrade the quality and credibility of the NTSB's accident statistics which have traditionally been considered the gold standard of accident data and the standard benchmark for setting industry safety goals and judging the safety performance of the industry. Including these incidents in NTSB "accident" statistics would seriously skew this valuable database.

HAI Opposes Redefining Ground Strike "Incidents" As "Accidents."

Based on the reasons outlined above and in the absence of any significant expectation of safety enhancement, and because of the significant costs this proposed change would impose on the helicopter industry, HAI vigorously opposes the proposed elimination of the rotor ground strike exclusion from the definition of "substantial damage."

If the NTSB believes that there is any safety benefit in requiring immediate **reporting** of rotor ground strike incidents under 830.5, HAI, as an association which shares the NTSB's interest in enhancing safety to the greatest extent possible, would certainly entertain that idea. But there is a big difference between "incident" reporting and reporting an "incident" as an "accident."

Again, thank you for allowing us to share our views with you on this issue.

Sincerely;



Roy Resavage
President

